

House Study Bill 565

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
HUMAN RESOURCES BILL
BY CHAIRPERSON SMITH)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to state and local regulation of smoking and
2 making penalties applicable.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 5813HC 82
5 pf/nh/5

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1 Section 1. Section 142B.1, Code 2007, is amended by adding
2 the following new subsections:
1 3 NEW SUBSECTION. 1A. "Child care facility" means child
1 4 care facility as defined in section 237A.1.
1 5 NEW SUBSECTION. 1B. "Child care home" means child care
1 6 home as defined in section 237A.1.
1 7 NEW SUBSECTION. 1C. "Health care provider location" means
1 8 an office or institution providing care or treatment of
1 9 disease whether physical, mental, or emotional, or other
1 10 medical, physiological, or psychological conditions, including
1 11 but not limited to a hospital as defined in section 135B.1, a
1 12 health care facility as defined in section 135C.1, an elder
1 13 group home as defined in section 231B.1, an assisted living
1 14 program as defined in section 231C.2, an adult day services
1 15 program as defined in section 231D.1, clinics, laboratories,
1 16 and the locations of professionals regulated pursuant to Title
1 17 IV, subtitle III, and includes all enclosed areas of the
1 18 location including waiting rooms, hallways, other common
1 19 areas, private rooms, semiprivate rooms, and wards within the
1 20 location.

1 21 Sec. 2. Section 142B.1, subsection 3, Code 2007, is
1 22 amended to read as follows:

1 23 3. "Public place" means any enclosed indoor area used by
1 24 the general public or serving as a place of work containing
1 25 two hundred fifty or more square feet of floor space,
1 26 including, but not limited to, all restaurants with a seating
1 27 capacity greater than fifty, all retail stores, lobbies and
1 28 malls, offices, including waiting rooms, and other commercial
1 29 establishments; public conveyances with departures, travel,
1 30 and destination entirely within this state; educational
1 31 facilities; ~~hospitals, clinics, nursing homes, and other~~
1 32 ~~health care and medical facilities~~ health care provider
1 33 locations; and auditoriums, elevators, theaters, libraries,

1 34 art museums, concert halls, indoor arenas, and meeting rooms.

1 35 "Public place" does not include a retail store at which fifty
2 1 percent or more of the sales result from the sale of tobacco
2 2 or tobacco products, the portion of a retail store where
2 3 tobacco or tobacco products are sold, a private, enclosed
2 4 office occupied exclusively by smokers even though the office
2 5 may be visited by nonsmokers, a room used primarily as the
2 6 residence of students or other persons at an educational
2 7 facility, a sleeping room in a motel or hotel, or each
2 8 resident's room in a health care facility. The person in
2 9 custody or control of the facility shall provide a sufficient
2 10 number of rooms in which smoking is not permitted to
2 11 accommodate all persons who desire such rooms. "Public place"
2 12 does not include a private residence unless used as a child
2 13 care facility, child care home, or a health care provider
2 14 location.

2 15 Sec. 3. Section 142B.2, Code 2007, is amended by adding
2 16 the following new subsection:

2 17 NEW SUBSECTION. 5. Notwithstanding subsection 1 of this
2 18 section, smoking is prohibited in public places that are child

2 19 care facilities or child care homes in accordance with section
2 20 237A.3B.

2 21 Sec. 4. Section 142B.6, unnumbered paragraph 3, Code 2007,
2 22 is amended by striking the unnumbered paragraph.

2 23 Sec. 5. NEW SECTION. 142B.6A LOCAL REGULATION OF
2 24 SMOKING.

2 25 1. A city or county may provide for the enforcement, by
2 26 ordinance, of standards or requirements for public places or
2 27 public meetings that are higher or more stringent than those
2 28 imposed under this chapter.

2 29 2. An ordinance adopted under subsection 1 may
2 30 specifically include the following:

2 31 a. An ordinance that eliminates or limits the exemptions
2 32 specified in section 142B.2, subsection 1.

2 33 b. An ordinance that prohibits the designation of smoking
2 34 areas notwithstanding section 142B.2, subsection 2.

2 35 c. An ordinance that eliminates or limits the exemption in
3 1 section 142B.2, subsection 3, relating to a public place
3 2 consisting of a single room or a bar.

3 3 d. An ordinance that provides higher or more stringent
3 4 standards or requirements relating to the posting of signs as
3 5 provided in section 142B.4.

3 6 e. An ordinance that provides higher or more stringent
3 7 civil penalties than those provided in section 142B.6.

3 8 Sec. 6. Section 237A.3A, subsection 5, Code 2007, is
3 9 amended by striking the subsection.

3 10 Sec. 7. NEW SECTION. 237A.3B SMOKING PROHIBITED.

3 11 Smoking, as defined in section 142B.1, shall not be
3 12 permitted in a child care facility or child care home.

3 13 EXPLANATION

3 14 This bill relates to state and local regulation of smoking.

3 15 The bill provides that a "public place" does not include a
3 16 private residence unless used as a child care facility, child
3 17 care home, or a health care provider location. The bill
3 18 prohibits smoking in a child care facility or child care home,
3 19 eliminating a provision prohibiting smoking in a child
3 20 development home during hours of operation in areas used by
3 21 the children.

3 22 A person who smokes in those areas in which smoking is
3 23 prohibited or who does not post signs in the appropriate areas
3 24 is subject to payment of a scheduled fine which is a civil
3 25 penalty of \$25 for each violation.

3 26 The bill also provides that a city or county may adopt an
3 27 ordinance to provide for the enforcement of standards or
3 28 requirements that are higher or more stringent for public
3 29 places or public meetings than those imposed under Code
3 30 chapter 142B (smoking prohibitions).

3 31 The bill provides that an ordinance may specifically
3 32 include provisions relating to: elimination or limitation of
3 33 the exemptions relating to designation of a smoking area or
3 34 the application of designation of a smoking area to an entire
3 35 room or hall that is used for a private social function, or to
4 1 factories, warehouses, or similar places of work not usually
4 2 frequented by the general public; prohibition of the
4 3 designation of a smoking area; elimination or limitation of
4 4 the provisions allowing for exemptions for a single room or a
4 5 bar; posting of signs; and civil penalties.

4 6 The bill also eliminates the provision relating to
4 7 enforcement of the smoking prohibitions Code chapter in an
4 8 equitable and uniform manner throughout the state.

4 9 LSB 5813HC 82

4 10 pf/nh/5